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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIMMY JOHN WEBER,

Petitioner,

vs.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:11-cv-00104-RFB-WGC

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE
RESPONSE TO THIRD AMENDED
PETITION (ECF NO. 79)**

(THIRD REQUEST)

(DEATH PENALTY)

Respondents move this Court for an enlargement of time of twenty-eight (28) days from the current due date of January 14, 2022, up to and including February 11, 2022, in which to file their Response to Timmy John Weber's Third Amended Petition for Writ of Habeas Corpus (ECF No. 79). This Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached declaration of counsel. This is the second enlargement of time sought by Respondents to file the response to the Third Amended Petition, and the request is brought in good faith and not for the purpose of delay.

DATED: January 13, 2022.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Erica Berrett
Erica Berrett (Bar. No. 13826)
Deputy Attorney General

DECLARATION OF ERICA BERRETT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, ERICA BERRETT, being first duly sworn under oath, deposes and states as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in *Timmy John Weber v. William Gittere, et al.*, Case No. 3:11-cv-00104-RFB-WGC, and as such, have personal knowledge of the matters contained herein.

2. This Motion is made in good faith and not for the purpose of delay.

3. The deadline to file the response to the Third Amended Petition (ECF No. 79) is January 14, 2022.

4. Since Respondents' previous motion for enlargement of time, I have been diligently working on the response to the Third Amended Petition. I have spent multiple weeks primarily working on the response. However, based on the large number of claims and voluminous state court record, I have been unable to complete my response. Once I have finalized my response, I will need to have it reviewed by my supervisor, and I will also need time to revise the response following my supervisor's review.

5. In addition to the recent weeks that I have dedicated to this response, I spent the earlier part of Respondents' previous enlargement of time on other federal habeas matters, including filing a motion to dismiss petition for writ of habeas corpus in *Navarrette v. Johnson, et al.*, Case No. 2:20-cv-02061-APG-DJA; an opposition to motion to strike in *Pritchett v. Gentry*, Case No. 2:17-cv-01694; and a motion to dismiss in *Urenda-Bustos v. Howell*, Case No. 2:18-cv-01073-JCM-DJA.

6. I contacted Petitioner's counsel regarding this request, and she indicated that she does not oppose it.

7. Based on the foregoing, I respectfully request an enlargement of time of twenty-eight (28) days, up to and including February 11, 2022, to respond to the Third Amended Petition (ECF No. 79).

Executed on January 13, 2022.

/s/ Erica Berrett
Erica Berrett (Bar No. 13826)
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Response to Third Amended Petition (ECF No. 79) (Third Request)* with the Clerk of the Court by using the CM/ECF system on January 13, 2022.

The following participants in this case are registered CM/ECF users and will be serve by the CM/ECF system:

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/s/ M. Landreth
An employee of the Office of the Attorney General

IT IS SO ORDERED:



RICHARD F. BOULWARE, II
United States District Judge

DATED this 14th day of January, 2022.